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LANCE S. WILSON  
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BY \_\_\_\_\_  
DEPUTY

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

IN THE MATTER OF THE )  
REQUIREMENT TO COMPLETE AND )  
RETURN QUESTIONNAIRES RELATED )  
TO THE COURT'S EARLY NEUTRAL )  
EVALUATION PROGRAM. )

SPECIAL ORDER NO. 105

On December 29, 1997, this Court entered Special Order No. 102 which established the Rules governing the Court's Early Neutral Evaluation ("ENE") Program. Pursuant to ENE R.3.1(a), all counsel in cases assigned to either the ENE Program Group or the Control Group are required to properly complete and return the survey "Questions for Attorneys Regarding ENE in the District of Nevada" (Attachment #1 to this Special Order) within 20 days of the conclusion of each case or, in the alternative, within 20 days after the Court has granted counsel's request to withdraw from a case.

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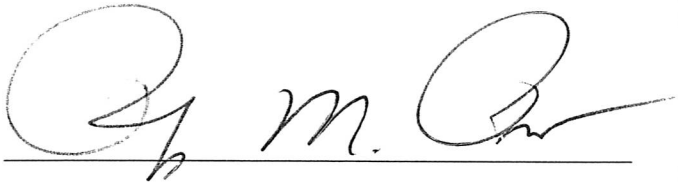
1 Failure to comply with said requirement may result in the imposition of such sanctions as the Court  
2 deems appropriate.

3 ADOPTED BY THE JUDGES OF THIS COURT ON THIS 13<sup>th</sup> DAY OF

4 January, 2000.

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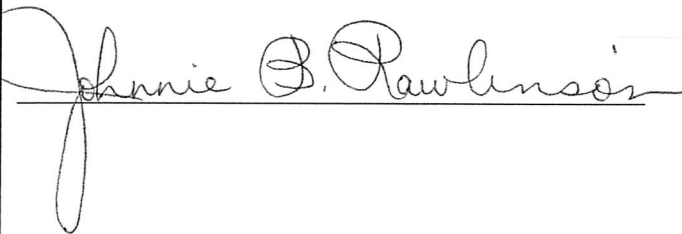
7 HOWARD D. McKIBBEN  
8 Chief United States District Judge

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10 PHILIP M. PRO  
11 United States District Judge

12 

13 DAVID W. HAGEN  
14 United States District Judge

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16 JOHNNIE B. RAWLINSON  
17 United States District Judge  
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United States District Court  
District of Nevada

Chambers of  
Howard D. McKibben  
Chief Judge

United States Courthouse  
400 South Virginia St. Rm. 804  
Reno, Nevada 89501  
702-686-5880

DATE: \_\_\_\_\_

CASE NO. \_\_\_\_\_

Dear Participants in the Early Neutral Evaluation  
Program:

Your case has been selected for inclusion in either the District of Nevada's Early Neutral Evaluation (ENE) Program or as part of a control group of select cases that will be compared to cases that are assigned to ENE. Because this is a pilot program, your opinions on the effectiveness of the program are important to the court. To assist the court in evaluating the program, you are being provided with the enclosed confidential questionnaire which addresses issues such as the cost for litigating the case, your opinion of the effectiveness of ENE, and other important issues.

It is important that you complete and return the questionnaire in the envelope provided as soon as the case is concluded. The court will closely monitor the progress of each case and the information you provide. This information will greatly assist the court in determining whether the ENE Program should be continued or expanded. Thank you for your cooperation.

Sincerely yours,



Howard D. McKibben

Enclosure

Case Number: \_\_\_\_\_ Caption: \_\_\_\_\_

Please Indicate Status (Plaintiff, Defendant, etc.): \_\_\_\_\_

### Questions for Attorneys Regarding ENE in the District of Nevada

1) What was the expense of this case to the litigant (in dollars)?

- |                                  |                                  |
|----------------------------------|----------------------------------|
| a) from filing to day 50? _____  | d) from filing to day 200? _____ |
| b) from filing to day 100? _____ | e) from filing to day 300? _____ |
| c) from filing to day 150? _____ | f) from filing to close? _____   |

2) Did the case settle prior to trial?

- ☐ a. Yes, if yes, when?
- |   |  |
|---|--|
| <input type="radio"/> 1. between filing and 50 days | <input type="radio"/> 4. between 151 days and 200 days |
| <input type="radio"/> 2. between 51 and 100 days    | <input type="radio"/> 5. between 201 days and 300 days |
| <input type="radio"/> 3. between 101 and 150 days   | <input type="radio"/> 6. after 300 days                |
- ☐ b. No

3) Would you like to see the ENE program expanded to other types of cases within our court?

- ☐ a. Yes, if yes, please rank as many of the following types as you would like to see included in this program (indicate your first choice with a [1])

- |                           |                           |                        |
|---------------------------|---------------------------|------------------------|
| ___ 1. Contract           | ___ 2. Real Property      | ___ 3. Torts           |
| ___ 4. Prisoner Petitions | ___ 5. Forfeiture/Penalty | ___ 6. Labor           |
| ___ 7. Bankruptcy         | ___ 8. Property Rights    | ___ 9. Social Security |
| ___ 10. Federal Tax Suits | ___ 11 Other: _____       |                        |

- ☐ b. No, if no, explain why not: \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

4) Would you accept an early neutral evaluation hearing held by a private attorney?

- ☐ a. Yes, if yes, explain why: \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

- ☐ b. No, if no, explain why not: \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

5) Would you recommend an ENE program utilizing a magistrate judge to a client in a similar case?

- ☐ a. Yes, if yes, explain why: \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

- ☐ b. No, if no, explain why not: \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

6) Did this case have an ENE session held by a magistrate judge?

- ☐ a. Yes, if yes, please go to question 7 (on the opposite side of this form).

- ☐ b. No, if no, please go to question 9 (on the opposite side of this form).

7) Did you find the ENE hearing with the magistrate judge to be effective in reducing the length of this case?

☐ a. Yes, if yes, how? (Rank in order of significance indicating the most significant with a (1). You do not have to rank all the choices. )

- ☐ 1. By contributing to the *prospects* of settlement negotiations
- ☐ 2. By settling the case at the ENE session
- ☐ 3. By clarifying relevant issues
- ☐ 4. By opening lines of communication
- ☐ 5. By encouraging attorneys to evaluate the merits/weaknesses of their case earlier in the process
- ☐ 6. By encouraging parties to hear the evidence and listen to an independent evaluation of their case
- ☐ 7. By setting the groundwork for time-effective discovery
- ☐ 8. Other: \_\_\_\_\_

☐ b. No

8) Did you find the ENE hearing with the magistrate judge to be effective in reducing the overall cost of this case?

☐ a. Yes, if yes, how? (Rank in order of significance indicating the most significant with a (1). You do not have to rank all the choices. )

- ☐ 1. By contributing to the *prospects* of settlement negotiations
- ☐ 2. By settling the case at the ENE session
- ☐ 3. By clarifying relevant issues
- ☐ 4. By opening lines of communication
- ☐ 5. By encouraging attorneys to evaluate the merits/weaknesses of their case earlier in the process
- ☐ 6. By encouraging parties to hear the evidence and listen to an independent evaluation of their case
- ☐ 7. By setting the groundwork for cost-effective discovery
- ☐ 8. Other: \_\_\_\_\_

☐ b. No

9) Were you satisfied with the processing of this case by the court?

☐ a. Yes, if yes, why? \_\_\_\_\_

☐ b. No, if no, why? \_\_\_\_\_

10) The current ENE program utilizing magistrate judges should be . . .

- ☐ a. Continued (same type of cases and process)
- ☐ b. Expanded (more types of cases)
- ☐ c. Terminated
- ☐ d. Modified

If modified, how: \_\_\_\_\_

11) Please provide any additional comments or concerns you may have about the implementation of the ENE program utilizing magistrate judges in the District of Nevada.

Please return completed form to:

Clerk's Office, Attn: Jake Herb

400 S. Virginia St., Room 301, Reno, NV 89501